

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

LARRY BOECKEN JR.

Plaintiff,

v.

GALLO GLASS COMPANY,

Defendant.

Case No. 1: 05-cv-00090-LJO-BAM

**ORDER TO SHOW CAUSE BY U.S.  
TRUSTEE RE PENDING CLAIMS**

This Action by Larry Boecken Jr. is pending before this Court. Plaintiff Larry Boecken filed for bankruptcy protection, and on May 27, 2011, the United States Bankruptcy Court for the Eastern District of California reopened Plaintiff's Chapter 7 bankruptcy case, No. 08-15050-B-7. The Bankruptcy Trustee is Gary Ferrar. The claims which are the subject of this litigation are the property of the U.S. Trustee, and plaintiff is not the proper party in interest.

On April 13, 2012, the Court granted a Motion to Withdraw by counsel Mina L. Ramirez and Lawrence D. Murray to withdraw as counsel of record for plaintiff Larry Boecken, Jr. The evidence established that counsel attempted to be retained by the U.S. Trustee, but that they will not be retained by U.S. Trustee. Accordingly, permission for counsel to withdraw was warranted.

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1 The Court now ORDERS the U.S. Trustee to show cause, in writing, if any, on or before  
2 May 31, 2012 whether the Trustee intends to proceed with this action and set the matter for trial  
3 or whether the claims should be dismissed.

4 The Clerk is directed to serve a copy of this Order to Show Cause on U.S. Trustee Gary  
5 Ferrar, Office of The United States Trustee, at 2500 Tulare Street, Suite 1401, Fresno, California  
6 93721 and Mr. Ferrar's attorney at James E. Salven, P. O. Box 25970, Fresno, California 93729-  
7 5970.

8 IT IS SO ORDERED.

9 **Dated: April 13, 2012**

**/s/ Barbara A. McAuliffe**  
UNITED STATES MAGISTRATE JUDGE